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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/597,147

09/09/2008

Petrus Henricus Cornelius Bentvelsen

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
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EXAMINER

JEANGLAUDE, JEAN BRUNER

ART UNIT

PAPER NUMBER

2819

NOTIFICATION DATE

DELIVERY MODE

11/16/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Office Action Summary**

Application No.

10/597,147

Applicant(s)

BENTVELSEN ET AL.

Examiner

JEAN JEANGLAUDE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5) ☒ Claim(s) 1-18 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1-18 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10) ☒ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 07 July 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-302)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 12 – 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 12 recites the limitation "said secondary information signal" in line 7. There is insufficient antecedent basis for this limitation in the claim.

4. Claims 13 – 15 are automatically rejected due to the fact that they depend on claim 12 that is rejected under 112 2<sup>nd</sup>.

#### Claim Objection

Claims 1 – 17 are objected to.

It is suggested to insert the word "A" before the word "device" in claims 1, 12 and substitute the word "Device" in claims 1, 12 by – device --. Also, it is suggested to insert the word – The --- before the word "device" in claims 2 – 10, 13 - 15 and substitute the word "Device" in claims 2 – 10 by the word –device --.

Insert the word —The – before the word "method" in claims 11, 16 and substitute the word "Method" in claim 11 by the word ---method --. Insert the word – A – before the word "Computer" and substitute the word "Computer" by the word – computer --.

#### Claim Objection

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The claims 1 – 10, 12 - 15 are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m). It is suggested not to use reference numbers within parentheses in the claims.

#### Abstract

Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The use of the word phrase "the present invention" should be avoided.

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### Specification

It is suggested to incorporate in the specification page 1, line 1 a subtitle -- Crossed Related Applications – and Insert below this subtitle the continuing data information of this application.

### Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.

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(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A “Sequence Listing” is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required “Sequence Listing” is not submitted as an electronic document on compact disc).

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 - 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Heylen (USPGPUB 2002/0076046).

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3. Regarding claims 1, 11, Heylen discloses a device and method (fig. 5) for embedding a secondary information signal (signature file or authenticating signature) in a channel data stream of an encoded primary information signal (paragraphs 0004, 0005, 0007, 0009) comprising: an encoder (44, fig. 5) for encoding said primary information signal (data) [40] into a channel data stream, a control unit (46) for controlling the DC content of said channel data stream, a secondary information signal embedding unit (signature file or authenticating signature) for embedding said secondary information signal in said channel data stream by using freedoms in the DC control (paragraphs 0004, 0005, 0007, 0009) and an adaptation unit (48) for adapting the DC control by making non-optimal, arbitrary or random choices of the DC control at a number of locations of said channel data stream (fig. 4).

4. Regarding claim 2, Heylen discloses a device (fig. 5) wherein said adaptation unit (48) is operative for adding random elements in the DC control (paragraph 0085).

5. Regarding claim 3, Heylen discloses a device (fig. 5) wherein said adaptation unit (48) is operative for making non-optimal choices of the DC control at a number of random or fixed locations of said channel data stream (paragraphs 0012, 0085).

6. Regarding claim 4, Heylen discloses a device (fig. 5) wherein said adaptation unit (48) is operative for making random or non-optimal choices of the DC control at locations of said channel data stream where no secondary information signal shall be embedded (paragraphs 0012, 0085).

7. Regarding claim 5, Heylen discloses a device (fig. 5) , wherein said adaptation unit (48) is operative for making random or non-optimal choices of the DC control at

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different locations of said channel data stream by controlling the encoder to make a state swap or to select a main table or a substitution table for encoding of the primary information signal (paragraphs 0012, 0085).

8. Regarding claim 6, Heylen discloses a device (fig. 5) further comprising a storage unit (50) for storing a location information specifying the location of the secondary information signal in said channel data stream (paragraphs 0012, 0085).

9. Regarding claim 7, Heylen discloses a device (fig. 5) wherein said secondary information signal embedding unit is adapted for embedding secondary information data at different locations within different codewords and/or different data frames (paragraphs 0012, 0085).

10. Regarding claim 8, Heylen discloses a device (fig. 5) wherein said storage unit (50) is adapted for storage of said location information in a look-up table (paragraphs 0012, 0085).

11. Regarding claim 9, Heylen discloses a device (fig. 5) , wherein said storage unit (50) is adapted for storing said location information in encoded form in said primary information signal or in a third information signal to be embedded in said channel data stream (paragraphs 0012, 0085).

12. Regarding claim 10, Heylen discloses a device (fig. 5) further comprising a location information determination unit for determining said location information based on a predetermined setting or an information read from said primary information signal or a third information signal (paragraphs 0012, 0085).



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13. Regarding claims 12 and 16, Heylen discloses a device and method (figs. 5, 6) for extracting a secondary information signal (signature file, authenticating signature) from a channel data stream of an encoded primary information signal comprising: a decoder (62) for decoding said channel data stream into a primary information signal, a secondary information signal extracting unit (42, fig. 5) for extracting a secondary information signal from said channel data stream by detection of the DC control information in said channel data stream by use of location information specifying the location of said secondary information signal in said channel data stream (paragraphs 0004, 0005, 0007, 0009, 0012, 0085).

14. Regarding claim 13, Heylen discloses a device (figs. 5, 6) further comprising a storage unit (50) for storing said location information (paragraphs 0012, 0085).

15. Regarding claim 14, Heylen discloses a device (figs. 5, 6) further comprising a location information decoder (62) for retrieving said location information from said channel data stream (paragraph 0089).

16. Regarding claim 15, Heylen discloses a device (figs. 5, 6) , wherein said location information decoder (62) is adapted for decoding a third information signal carrying said location information from said channel data stream or for decoding said information signal from said primary information signal (paragraph 0089).

17. Regarding claim 17, Heylen discloses a computer program comprising program code means for causing a computer to carry out the steps of the method (figs. 5, 6) when said computer program is run on a computer (figs. 5, 6).

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18. Regarding claim 18, Heylen discloses a record carrier (figs. 5, 6) comprising a secondary information signal (signature file) in a channel data stream of an encoded primary information signal, the secondary information being embedded in said channel data stream by using freedoms in the DC control and by adapting the DC control by making non-optimal, arbitrary or random choices of the DC control at a number of locations of said channel data stream signal (paragraphs 0004, 0005, 0007, 0009, 0012, 0085).

#### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. ( See PTO-892).Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEAN JEANGLAUDE whose telephone number is (571) 272-1804. The examiner can normally be reached on Monday - Friday 7:30 A. M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shawki S. Ismail can be reached on 571-272-3985. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jean B. Jeanglaude/

Primary Examiner

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